

# JUVENILE COURT DEPARTMENT

## GUIDELINES FOR COURT INVESTIGATION REPORTS

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### **I. ROLE OF THE COURT INVESTIGATOR**

A court investigator holds a position of public confidence and trust and, as such, court investigators shall conduct themselves in a professional manner and refrain from any conduct, which may result in a breach of such trust and confidence. In a care and protection proceeding, a judge must have as much relevant information available as possible. One important source of information is the report of the court investigator, because it provides the court with useful information that otherwise may not be presented by any of the parties in the proceedings. *See Custody of Tracy*, 31 Mass. App. Ct. 481, 485, 579 N.E.2d 1362 (1991). Due to the importance of this report, a court investigator shall have the ability to develop the investigative information in a written report that displays excellent communications skills, solid analytical ability, and the aptitude to exercise sound independent judgment. Armed with this information, a judge is better able to undertake the challenging task of deciding the outcome of a care and protection case.

### **II. COURT INVESTIGATION REPORT: PURPOSE AND USE**

By statute, the investigator is required to “investigate the conditions affecting the child and make a report to the court under oath.” G. L. c. 119, §24. The investigation report should contain all the facts obtained as a result of the investigation. *See* G. L. c. 119, §21A. Additionally, the report should be limited to factual information collected from identified sources. *See Custody of Tracy*, 31 Mass. App. Ct. at 484. Investigators should avoid reproducing clinical reports in their entirety. The better practice is to extract pertinent quotes and present the facts.

Furthermore, Chapter 119, §21A provides an exception to the hearsay rule for court investigator reports. Therefore, although a court investigation report may contain hearsay, it is admissible evidence. See Section V. Hearsay. The investigator, however, must clearly indicate the source of any information contained therein. *See Duro v. Duro*, 392 Mass. 574, 579-580, 467 N.E.2d 165, 169-170 (1984); *Custody of Two Minors*, 19 Mass. App. Ct. 552, 559, 476 N.E.2d 165, 169-170 (1985).

Once submitted to the court, the investigation report is available for inspection by all counsel and subject to motions in limine.

Because of the importance of the court investigation report, these guidelines were created to assist the court investigator with his/her statutory task. The guidelines will:

- address basic elements that all court investigators' reports should contain;
- suggest sources the investigator should use to obtain the facts to be included in the report;
- discuss the use of hearsay in the report;
- discuss the propriety of addenda to the report;
- comment on how to best organize the contents of the report; and
- address the "Summary" and/or "Recommendation" sections.

### **III. BASIC ELEMENTS**

The following list provides general guidelines for the overall format of the court investigation report.

#### **A. The report shall be thorough, professional, and contain accurate information.**

1. The report should provide current information and relevant history rather than merely relying upon or incorporating prior existing reports.
2. The report should reflect a balanced picture of the family, listing all positive and negative information relevant to the case.
3. The report should utilize multiple sources. The importance of contacting all known collaterals cannot be overemphasized.

4. The information contained in the report should be as factual as possible. Primary source information is preferable to secondary source information. Opinions and conclusions of the investigator should be limited to the summary and recommendation sections of the report.  
*Example:* If the Department of Children and Families (DCF) social worker informs the court investigator that a physician provided information to the worker, the court investigator not only should include the DCF worker's statement, but should also contact the physician to verify the information from its primary source.
5. The report should have a professional appearance. It should not contain spelling or grammatical errors and the report should be paginated.
6. The report should explain and discuss medical, psychiatric, and social conditions in language understandable to the average layperson.
7. The report should state the child(ren)'s needs in detail.

**B. The report should not be biased.**

1. The family should not be described in derogatory or judgmental terms.
2. All family members should be approached with respect and openness, so that the investigator may hear their versions of the events and circumstances regardless of the allegations.
3. Avoid incorporating statements from sources that contain negative data in judgmental terms:  
*Example:* "Father is a well known drunk."  
Ask the source to be more specific and provide factual information about the statement:  
*Example:* "I saw father yesterday on the street; he was unable to stand and was slurring his words."
4. Exclude biases of any of the parties toward DCF as a whole, any specific area office or social worker. The purpose of the investigation is to provide the

court with information pertaining to the specific child(ren) and family before the court. Positive and negative interactions between any of the parties and DCF may be included if relevant as well as any of the facts regarding actions or inactions of DCF.

5. Seek out sources who may have differing viewpoints.
6. Consult any sources offered by the parents.
7. When writing the report, give a balanced presentation that includes parent(s)' strengths and weaknesses, and any relevant information that is factual, but which may not support your conclusions.

**C. Reported information should be descriptive not evaluative.**

1. *Example of improper evaluative statement:* "The apartment was filthy."
2. *Example of proper descriptive statement:* "The kitchen sink was filled with dishes covered with dried food and there were dozens of flies and roaches in the apartment."
3. If a source's comment is evaluative rather than descriptive, attempt to clarify the statement or have the source be more specific. Remember that investigation reports (in contrast to guardian ad litem reports) are factual and not evaluative in nature. Nevertheless, an investigator may wish to include statements of opinion.

**D. Sources should be easily identifiable.**

The report should clearly show the following for each factual allegation: who the informant is or the type of record reviewed, what the source's position is, what his relationship is to the family, when the information was obtained or person interviewed, how the information was obtained, and why the source is important.

1. *Example of improper attribution:* "Hospital staff said that . . ."
2. *Example of proper attribution:* "Nurse Ruth Smith, the child's nurse at Children's Hospital on June 6, 2011, said that..."

**E. Parents should be interviewed, and a home visit performed.**

1. The court investigator shall contact the parents' attorneys, informing them of the date and time the investigator would like to meet with parents; the investigator should give the attorney a reasonable opportunity to be present, but not let the attorney's schedule control the investigation. The investigator shall notify the attorney that if the attorney does not respond to the court investigator within three days of contact, the investigator shall initiate contact with the parent. An attorney may not prevent the investigator from performing his or her job, but may advise a client not to meet with the investigator or not to answer a particular question. If a parent's attorney informs the investigator that the investigator may not meet with the attorney's client, the investigator shall not meet with the parent and shall include the details of such restrictions in the report.
2. Unannounced visits should be avoided unless the condition or occupants of the home is an issue.
3. Prior to meeting with parents, the court investigator should obtain basic background information including why the petition was filed (*e.g.* read the affidavit, 51A and B reports, police reports, prior court investigation reports, etc.).
4. A court investigator who must interview a parent who has difficulty communicating and understanding English, or a parent, who is deaf, must obtain the services of a court-approved interpreter for the interview. A court investigator may arrange for the assistance of a court interpreter by faxing a completed Court Investigator Request form to the Office of Court Interpreter Services (O.C.I.S.) at 617-367-9293. See Appendix C. Due to the needs of the court for interpreter services, it is important that you schedule your interview with the party for 3:00 p.m. or after. It is not necessary to file a motion for funds or for the services of a court investigator. The interpreter

will bill the Office of Court Interpreter Services directly for payment upon completion of the assignment. If you later determine that you do not need the services of an interpreter, contact the Office of Interpreter Services by telephone (800-572-5027 x343) or (617-742-8383) or by email at [Interpreter.requests@jud.state.ma.us](mailto:Interpreter.requests@jud.state.ma.us) to cancel the service. Thereafter fax the O.C.I.S. Service Request Cancellation form to (617-367-9293). *See Appendix D.*

**F. Children who are the subject of the petition shall be interviewed (if age appropriate), and a home visit performed.**

The court investigator shall contact the children's attorney(s), informing the attorney(s) of the date and time the investigator would like to meet and interview the children and a home visit performed. The investigator should give the attorney a reasonable opportunity to be present, but not let the attorney's schedule control the investigation. An attorney may not prevent the court investigator from meeting with the children who are the subject of the petition.

**G. A *Lamb*-type warning should be given before interviewing a party.**

1. The court investigator must explain to the party the role of the investigator, the purpose of the interview, as well as how the information gathered is going to be used, including the fact that information the party gives to the investigator is not confidential. There cannot be any "off the record" discussion prior to interviewing a party. *See Commonwealth v. Lamb*, 1 Mass. App. Ct. 530 (1973). A similar disclosure should be made to a mature child, modified to reflect the child's age and understanding.
2. To verify that the party understands the warning, a court investigator should ask the parent to summarize the warning for the investigator.
3. The investigator should indicate in the report that the *Lamb*-type warning was given and whether the party understood.

4. The court investigator should instruct the party to be truthful, that an attorney may be present if desired, and that the party does not have to answer a question if he or she does not want to, but that the investigator may include any refusal to answer questions in the report.

#### **H. The report should be filed in a timely manner.**

In accordance with Rule 7 of the Juvenile Court Rules for the Care and Protection of Children, the report of the court investigator shall be filed in the Clerk Magistrate's Office within sixty days after the appointment of the investigator, unless the court orders otherwise. A motion for extension of time for the filing of the court investigation report shall be in writing, signed by the court investigator and approved by a justice of the juvenile court. The court investigator shall file a motion for extension of time no later than fourteen days prior to the date the report is due, provided however, that the court may permit the filing of a motion for an extension at some other time in the interests of justice. If the court approves a motion for an extension, the court investigator shall provide a copy of any such approved motion to all counsel of record and to any party who is not represented by counsel. See Appendix B. Juvenile Court Form: Motion for Additional Hours or Extension of Time to File Report.

#### **I. Other key information should be included in the report.**

1. Efforts made to locate an absent parent.
2. Information about minor children who are not included on the petition.
  - a) If such children are in the custody of the parents, the investigator should see them and interview them. If they are not, a statement should be included indicating where they are placed, with whom, and why they are not in the parents' custody. If the child(ren) is/are in the custody of DCF, the names and addresses of their foster parents should be omitted from the report.
  - b) If the court investigator becomes aware of information that raises concerns about the safety of the child, the court investigator shall bring

the information to the court's attention and include it in the court investigation report.

3. Information regarding previous care and protection proceedings on the same child(ren).
4. Extended family members and those who have provided care for the child should be contacted for background history. The court investigator may ask the parent(s) about extended family members through the use of open-ended questions. After obtaining information regarding family members, the court investigator should, as a courtesy, disclose to the parent(s) that he/she would be contacting the family members and those who have provided care for the child. The court investigator may ask the parent(s) whether there is any information that he/she would like to disclose regarding any family members (*e.g.* any potential biases).
5. Court Activity Record Information (CARI) data regarding the parents, subject children, adult children residing in the home, and other adults living in the home should be reported.
6. Report any discrepancies or omissions noticed during the investigation and report information subsequently obtained to resolve those discrepancies.
  - a) *Examples:* Service plan is out of date; the parent may not have seen the service plan; service plan is missing information; social worker may or may not have seen the child or family for some time -- **verify** this with DCF social worker; note any explanations.

**J. Facts should be separated from the conclusions and other personal views of the investigator.**

1. Only facts and opinions of experts and professionals should be contained in the body of the investigation.



2. Expert witness or professional opinion information should be included in separate paragraphs within the body of the investigation so that such information and the identity of the person who provided it are easily identified.
3. The investigator's opinions should be confined to the summary and recommendations sections of the report. However, the report should never include conclusory statements as to whether DCF (or other petitioner) has met its burden.

**K. Be cognizant of any domestic violence risk to a parent or child.**

Certain information in the report could pose risks or dangers to parents or children involved in a case, especially if there is evidence of domestic violence. It is important to bring that information to the attention of the court. In those instances where the investigator believes that including the information in the report likely would be dangerous, the investigator may request a hearing before the court to bring the matter to the attention of the judge and attorneys in the case.

**IV. SOURCES OF INFORMATION**

The following are suggestions of possible sources from which a court investigator can obtain factual information. This list is not exhaustive. It is important to keep in mind that each case is unique and may require contacting sources beyond those commonly contacted by an investigator.

**A. Privileged and/or Confidential Information**

The court investigator's appointment form issued by the court orders access to both statutorily privileged or other restrictive information. However some privileged record holders may require a release of the information by the holder of the privilege or a specific order issued by the court prior to releasing such information. The court investigator may ask the holder of the privilege to sign a release or may file a motion to the court with notice to the attorneys and pro se litigants requesting access to the records.

**B. Petitioner and Petitioner's Records**

1. Reason for filing care and protection petition
2. History and involvement with family
3. Review entire case file, both that which is computer-generated and that which is in the on-going social worker's binder, 51A/51B investigations, service plans, case reviews, voluntary agreements or contracts, and day-to-day dictation of the social worker.
4. Current situation and relationship with parent(s)

**C. Biological parent(s)**

1. Interview each parent separately from one another.
2. Conduct home visit with parent(s), especially if parent(s) wish to have physical custody of children.
3. Inquire as to parent's understanding of why care and protection was filed; obtain parent's response(s) to the allegations.
4. Inquire as to parent's understanding of each child's personality and needs, what parent wishes for the child and how parent would like to see child's situation be different.
5. Inquire as to the background and history of each parent as an individual, as a couple, as parents.
6. Inquire as whether either parent is of Native American ancestry or eligible for membership in an Indian Tribe. If yes, ask the name of the tribe or tribes and the parent's connection with the tribe. For example, *did the parent live on the reservation?*
7. Inquire whether paternity has been established, if the child was born out of wedlock and/or the father's name is not listed on the child's birth certificate.
8. Inquire as to what parent would like the court to know.

#### **D. Child(ren) on the Petition**

1. Focus on age, developmental level, and mental health concerns.
2. Inquire as to his/her understanding of why the family is involved with the court; why he/she is in placement; where he/she want to reside and with whom in the short and long-term.
3. Use open-ended questions when interviewing the child.  
*Example:* What would you like the judge to know about you?  
*Not:* "Do you want to live with your mother or your aunt?"
4. Review current functioning: school performance, peer relationships, interests, wishes, and ambitions.

#### **E. Information from other sources**

1. All key collaterals should be included: hospitals, physicians, dentists, mental health, substance abuse, domestic violence and other treatment providers, parent aides, teachers, day care, early intervention, special education evaluations, home assessments, health records, police, relatives, neighbors.
2. Any privilege issues regarding obtaining information from mental health or substance abuse treatment providers should be brought to the attention of the parties and the court so that special orders may be issued if warranted.
3. Reasons should be given for omissions.  
*Example:* "Father's whereabouts are unknown."
4. Balance of sources should be sought: sources suggested by family, as well as sources suggested by service providers and petitioner.
5. Probation officer assigned to the care and protection case.

#### **F. Documentary Sources**

1. Court Activity Record Information (CARI) check

The court upon the filing of a petition should automatically order the parents' CARIs. The court may order CARIs for other individuals relevant to the petition. The court investigator may review the CARIs in the Clerk Magistrate's or Probation Office, depending on local practice. A copy of the CARI should not be attached to the court investigation report.

2. Probate and Family Court records; other court records

## **V. HEARSAY**

Hearsay, including totem-pole hearsay and hearsay from a child, is allowed in the court investigation report both in care and protection proceedings and in proceedings dispensing with consent to adoption, guardianship, or other custody proceedings.

For hearsay contained in an investigation report to withstand a motion to strike, the parties must be afforded an opportunity to refute the court investigator and the investigator's sources through cross examination and other means. Therefore, all out-of-court statements in the report must be attributed to a specific source by the investigator in the report. Whether a hearsay statement in an investigation report will be allowed to stand or will be stricken is for the court to decide. The obligation of the investigator is to include any such statement, if relevant, in the report.

**Hearsay** is an out-of-court statement made by a person that is offered by another to prove the truth of the matter asserted. For example, anything that is reported to the court investigator by someone, which is then in turn incorporated by the court investigator in his/her report is hearsay. Pursuant to G. L. c. 119, §24, a court investigation report is admissible as evidence in a care and protection proceeding and cases involving the dispensing of parental consent to adoption, guardianship, or other custody proceeding, despite the fact that it includes hearsay. *Custody of Jennifer*, 25 Mass. App. Ct. 241, 245, 517 N.E.2d 187 (1988); *Custody of Michel*, 28 Mass. App. Ct. 260, 265, 549 N.E.2d 440 (1990); *see also Adoption of Astrid*, 45 Mass. App. Ct. 538, 546, 700 N.E.2d 275, further rev. den'd, 428 Mass. 1109, 707 N.E.2d 367 (1998) (no error in admitting court investigation report in a proceeding to dispense with consent to adoption, including opinions,

recommendations, and conclusions, where investigator testified, her sources were identified and the parents had an opportunity to rebut any adverse or erroneous material). The hearsay exception for court investigator reports exists “because of the importance of providing needed information to the court.” *Custody of Tracy*, 31 Mass. App. Ct. 481, 484, 579 N.E.2d 1362 (1991). It also recognizes the difficulty and time constraints inherent in collecting adequate confidential information to be presented at the adjudicatory hearing. *Id.*

Furthermore, it permits the judge to “steer as wide a course as possible” through all of the information presented regarding the fitness of parents. *Id.* at 485.

**“Totem-pole” hearsay** is different from regular hearsay. “Totem-pole” hearsay is an out-of-court statement made by a declarant to another individual who then reports it to a third person who offers it in court for the truth of the matter asserted. One example of totem-pole hearsay would be a neighbor reporting to the court investigator that she overheard the child, who is the subject of the care and protection proceeding, say that her bruises came from a beating by her parent. Under the law, however, no distinction between levels of hearsay is made as regards to their inclusion in a court investigation report. Therefore, investigators should report totem-pole hearsay so long as there is an identified source capable of being cross-examined as to each level of the hearsay. *Custody of Michel*, 28 Mass. App. Ct. at 266. It is reasonable to assume that as a part of the investigation, an investigator will talk to neighbors, teachers, social workers, mental health workers, relatives and friends, who will describe what they heard from third persons. *Id.* Each such third person, as well as the person interviewed, must be clearly identified, by name, as the source of the information provided.

The investigation report “should be limited to factual information collected from identified sources in order to permit a fair cross-examination of the investigator as to all contributions to his/her report.” *See Custody of Tracy*, 31 Mass.App.Ct. at 487.

This provides the parties with an opportunity to adequately challenge any material in the investigation report with evidence of his/her own or to call any contributor to the report. *Care and Protection of Leo*, 38 Mass. App. Ct. at 243. Although the inclusion of hearsay in a court investigation report is expected and permitted, it is recommended that with totem-

pole hearsay, the investigator seek to confirm any such totem-pole information from the primary source of the information.

## **VI. ATTACHING DOCUMENTS TO THE REPORT**

A court investigator report should stand on its own merit with no attachments. To ensure that important information from letters, reports, evaluations and the like, is read and considered by the trial judge, any such important information should be included in the body of the report and properly attributed, not added as an attachment to the investigation report.

## **VII. ORGANIZATION OF REPORT**

### **A. Overview**

1. Make use of bold type and underlining and or headings to identify sources
2. Provide specific dates or time frames if possible
  - a) Avoid use of “on 1 or 2 occasions”
  - b) Avoid use of “in the past”
3. Identify sources of statements
4. Define all medical/psychiatric terms using a medical dictionary or a current edition of the Diagnostic and Statistical Manual of Mental Disorders.
5. 51A and 51B information (subject, alleged perpetrator, when filed, allegations, outcome of investigation, recommendations)
6. Service plan tasks and details of compliance/non-compliance with each task
7. Court and criminal records

### **B. Outline of the Report**

The following is a suggested outline for a court investigation report. It is the intention of this outline to help the investigator make the information easily accessible to the reader. The purpose of the outline is to provide the court investigator with the type and quantity of information to be contained in the report. The data should be presented in the order that makes the most sense logically in that particular case. In the report, the investigator should

refrain from using evaluative terms. Rather, the investigator should state the facts with respect to each category. The outline is not exhaustive as the facts of each case are unique and may require the review of additional factors or sections. Further, this outline may identify issues that are not of concern in the particular case being investigated. If an issue is not germane to the particular case, it should not be included in the report.

**1. Case Caption**

- a. Case Name
- b. Docket Number
- c. County
- d. Division

**2. Parties**

- a. Names and dates of birth of the parties including the children

**3. Summary of Allegations**

**4. Parents**

- a) Names – including stepparents, any putative fathers
- b) Addresses – present or last known if applicable
- c) Age and date of birth
- d) Marital status including history of present and past marriages; dates of divorce
- e) Relationship with spouse/partner
- f) Education history
- g) Employment history
- h) Source of any income or financial assistance
- i) Religion, if known
- j) Cultural considerations including ICWA issues
- k) Physical status-ailments; addictions; substance abuse
- l) Psychological status-mental health (including diagnosis, treatment, medication history)

- m) Impulse control & response to stress
- n) Relationship with extended family
- o) Relationships with supports
- p) Relationship with individual children (note any paternity issues)
- q) Prior history, if any, with any state or private social service agency, court, police including, but not limited to:
  - i) Chronological history of G. L. c. 119, §51As – when, where, by whom, allegation, whether substantiated/unsubstantiated, recommendation
  - ii) Chronological history of any G. L. c. 209A actions, temporary restraining orders, violations of 209A orders
  - iii) Court proceedings, including prior C&P/TPR cases and outcomes
  - iv) Criminal record
- r) Parent's view of C&P allegation(s)
- s) Parent's view of child(ren)'s character and needs

**5. Each child on the petition**

- a) Background
  - i. Name
  - ii. Age and date of birth
  - iii. Mother
  - iv. Father (note any paternity issues)
  - v. Address
  - vi. School and grade
    - a. Attendance
    - b. Appearance
    - c. Behavior
    - e. Grades
    - f. Relationships in school



- g. Early intervention, special education and other evaluations
  - h. IQ
  - i. Other
- vii. Special needs in school and in the home and community
- viii. Medical needs
- ix. Psychological needs
- x. Prescribed medication
- xi. Other court proceedings
- xii. Other
- b) Foster care
  - i. Duration
  - ii. Behavior
  - iii. Attitude
  - iv. Verbal and behavioral reaction before and after visitation
  - v. Relationship with foster parent(s) and other adults in the foster home
  - vi. Relationship with & behavior toward any other children in the foster home, if applicable
  - vii. Level of communication with biological parent
  - viii. Other
- c) Nature of alleged parental abuse / neglect
  - i. Sexual abuse
  - ii. Physical abuse and/or neglect
  - iii. Emotional abuse and/or neglect
  - iv. Educational neglect
  - v. Lack of supervision; placing child in high-risk situations
  - vi. Other

- d) Effect of abusive or neglectful treatment on child.
  - i. Educational status, including any special needs
  - ii. Social / Emotional/Psychological/Behavioral status
  - iii. Physical health
- e) Relationship with parent(s) or extended family members
  - i. Visitation or other contact with parents
  - ii. Visitation or other contact with extended family members
- f) Relationship with siblings
  - i. Nature of relationship
    - a. Time spent living together
    - b. If not in same placement, type and extent of visitation if applicable; note any court action regarding sibling visitation
  - ii. Siblings expressed desire to live together
  - iii. Child's preference for placement
  - iv. Other
- g) Child(ren)'s view of the situation (if age appropriate)
  - i. Child(ren)'s view of family, self and predicament
  - ii. Child(ren)'s feelings about:
    - a. Placement
    - b. Parents
    - b. Extended family, if appropriate
    - b. Reunification
  - iii. Other

**6. Other caretakers, if applicable**

- a) Name (if necessary. To protect substitute caretakers not known to parents, use first initial of last name only.)

- b) Address (if necessary. To protect substitute caretakers not known to parents, street addresses may be excluded.)
- c) Date of birth
- d) Time spent living with child(ren) in present care and protection case.
- e) Marital status including history or present and past marriages; dates of divorce
- f) Relationship with spouse/partner
- g) Last grade of education
- h) Employment history
- i) Source of any income or financial assistance
- j) Religion, if known, and religious considerations, if any
- k) Cultural considerations
- l) Physical status-ailments; addictions; substance abuse
- n) Psychological status-mental health
- m) Impulse control & response to stress
- o) Relationship with extended family
- p) Relationships with supports
- q) Relationship with individual children
- r) Prior history, if any, with any state or private social service agency, court, police including, but not limited to:
  - i. Chronological history of G. L. c. 119, § 51As – when, where, by whom, allegation, whether substantiated/unsubstantiated, recommendation
  - ii. Chronological history of any G. L. c. 209A actions, temporary restraining orders, violations of 209A orders
  - iii. Court proceedings
  - iv. Criminal record
- s) Caretaker'(s) view of allegation(s) in the care and protection petition
- t) Caretaker'(s) view of child(ren)'s character and needs

- u) Caretaker's ability to advocate for and participate in any services provided to children in their care

**7. Children of the respondent mother and father not included in the petition.**

- a) Background
  - i. Name
  - ii. Age and date of birth
  - iii. Mother
  - iv. Father (note any paternity issues)
  - v. Address
- b) School and grade
  - i. Attendance
  - ii. Appearance
  - iii. Behavior
  - iv. Grades
  - v. Relationships in school
  - vi. Special education evaluation
  - vii. IQ
  - viii. Other
- c) Special needs
- d) Medical needs
- e) Psychological needs
- f) Prescribed medication
- g) Other court proceedings
- h) With whom are child(ren) living. If not with parent, why not?
- i) Explain why child(ren) are not included on the petition.

**8. Extended Family**

- a) Maternal / paternal grandparent(s), if living
  - i. Names
  - ii. Addresses

- iii. Information or knowledge about the allegations in the petition, and care of children
  - iv. Interest in helping family, including financially
  - v. Willingness and capacity to take children
- b) Maternal / paternal aunts and uncles
  - i. Review factors (a) - (e) above for grandparents
- c) Adult siblings
  - i. Review factors (a) - (e) above for grandparents

**9. Parenting**

- a) Children's nutrition
- b) Children's clothing
- c) Family Housing (describe setting)
- d) Education of children
  - i. Parental involvement and interest in school/daycare
  - ii. Parent(s)' explanation for any school related problems
  - iii. Describe level of parental understanding and support for child's educational needs
- e. Medical / Physical/ Psychological Welfare of Children
  - i. Medical care
  - ii. Emotional status
  - iii. Physical care
- f) Cultural considerations, if applicable
- g) Religious considerations, if applicable
- h) Visitation and communication with child
  - i. Attendance at visits, if problems, describe in detail [including date(s)]
  - ii. Interaction with child(ren) – describe in detail (including date(s))
    - a. Affection / attention
    - b. Ability to set appropriate limits

- c. Ability to communicate with children
- d. Ability to appropriately stimulate child(ren)
- e. Other
- i) If investigator observed visit(s) between parent:
  - i. When, where, arranged by whom
  - ii. Parent and child present
  - iii. Describe visit especially parent/child interactions in detail

**10. Parental Involvement with DCF**

- a) Cooperation
- b) Position regarding service plan
- c) Motivation to make use of services
- d) Capacity to utilize support services
- e) Previous experiences with other children
- f) Parent(s)' willingness and ability to modify behavior that led to filing of care and protection petition
- g) Cooperation with court ordered evaluation

**11. Maternal/Paternal Compliance with Recommended Treatment Programs and Evaluation**

- 1. Psychotherapy
- 2. Drug/Alcohol Evaluation/Counseling
- 3. Domestic Violence Counseling/Batterer's Program
- 4. Homemaker/Home Health Aide (if applicable)
- 5. Parenting Programs
- 6. Court Clinic evaluation, parenting evaluation, substance abuse evaluation, etc.

**IX. SUMMARY SECTION**

After the body of the report, the investigator may include a section that summarizes key facts. No facts that do not appear in the body of the investigation report should be added

to the summary section. This section allows the court investigator to state the implications of all the data collected with regard to the petitioner's allegations and the possible case disposition. It is an opportunity to underline strengths and weaknesses of the family that may not be readily apparent. Furthermore, this section can speak to the willingness and ability of the parents to work on the issues that originally brought them to the attention of the court. The summary section should not, however, be an opportunity for the court investigator to discuss whether the investigator liked or disliked the family or agreed or disagreed with the family lifestyle.

## **X. COURT INVESTIGATOR'S OATH**

Court investigators should conclude their reports with an oath swearing under pains and penalties of perjury that the statements are accurately quoted, that the observations are accurately presented, that the facts written are true to the best of the investigator's knowledge and that the opinions expressed within the report are rendered through the exercise of their best professional judgment. See Appendix A: Court Investigator's Oath.

## **XI. RECOMMENDATIONS**

Although the court investigator's central function is to bring facts to the attention of the court, in some cases, the recommendations of the court investigator also are permitted. *See Adoption of Astrid*, 45 Mass. App. Ct. 538, 546 (1998) (no error in admitting an investigation report, including opinions, recommendations, and conclusions, where the investigator testified, her sources were identified and the parents had the opportunity to rebut any adverse or erroneous material).

The recommendation section should be consistent with factual data presented in the body of the report. The ultimate legal question of fitness/unfitness and/or best interests is for the court to decide. Therefore, the court investigator should refrain from recommending that the child be adjudicated "in need of care and protection," or that parents be found "unfit." The recommendation section may serve a useful purpose to the court. It may contain recommendations for services that may be helpful to the child(ren) and family. In addition,

the court investigator, in a recommendation section can make the court aware of alternatives which DCF, because of policy, regulations, or otherwise, did not present.

It is important for the court investigator to have considered what his/her recommendations are, if any, because the investigator may be called upon to testify as an expert witness. *See* G. L. c. 119, §21.

## **XII. UPDATES**

The investigator may be called upon to “update” his/her investigation and file an addendum to the original report. This may occur, for example, when circumstances change, when a missing parent is located, or when the parent has petitioned for his/her review and redetermination right pursuant to G. L. c. 119, §26. When an update is requested, except when an update is ordered because a missing parent has been located, the investigator should focus on all circumstances and facts since the date of the previous report. In some cases, the investigator may be ordered to provide an update with a focus around a specific person and/or issue.



## **APPENDIX A**

### **COURT INVESTIGATOR'S OATH**

Commonwealth of Massachusetts

, SS

I hereby swear and affirm under the pains and penalties of perjury that the statements contained in this report are accurately quoted, that the observations are accurately presented, that the facts written are true to the best of my knowledge and that the opinions expressed within the report are rendered through the exercise of my best professional judgment.

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Court Investigator

Juvenile Court

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Date

(JV-128) (11/01/2013)

APPENDIX B

<b>COURT INVESTIGATOR MOTION FOR ADDITIONAL HOURS/EXTENSION</b>	DOCKET NO(S).	<b>TRIAL COURT OF MASSACHUSETTS JUVENILE COURT DEPARTMENT</b>
<b>CASE NAME</b>	APPOINTMENT DATE:	DIVISION
	NEXT COURT DATE:	
<b>MOTION TO REQUEST ADDITIONAL HOURS OR EXTENSION OF TIME TO FILE REPORT</b>		
<p>I _____ request the court for:</p> <p style="text-align: center;">(NAME)</p> <p><input type="checkbox"/> Additional hours. No. of previously approved requests for additional hours: _____</p> <p><input type="checkbox"/> Extension of time to file my report. No. of previously approved requests for extension of time: _____</p>		
<b>REASON(S) FOR REQUEST</b>		
<i>(Must be completed)</i>		
<p>Note: If additional space is needed, please fill out and attach a separate sheet.</p> <p>_____</p> <p style="text-align: center;">Date<span style="margin-left: 200px;">Court Investigator</span></p>		
<b>TO BE COMPLETED BY COURT</b>		
<p>Motion is hereby allowed <input type="checkbox"/></p> <p>_____ Hours _____</p> <p>(not to exceed 10 hours) _____</p> <p>_____ Due Date _____</p> <p>Motion is hereby denied <input type="checkbox"/></p>		
<p>_____</p> <p>DATE</p>	<p>_____</p> <p>JUSTICE</p>	

JV-127 09/25/2013

## APPENDIX C



### COMMONWEALTH OF MASSACHUSETTS

Administrative Office of the Trial Court  
Office of Court Interpreter Services

Two Center Plaza, Boston, Massachusetts 02108  
(T) 617.878.0343 (F) 617.367.9293

### COURT INVESTIGATOR

Interpreter Request Form  
(Please type or print clearly)

Investigator Name: \_\_\_\_\_

Investigator Phone Number: \_\_\_\_\_

Case Name: \_\_\_\_\_

Party in Need of Interpreter: \_\_\_\_\_

Court of Jurisdiction: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Case Type/Matter: \_\_\_\_\_

Date of Interview: \_\_\_\_\_

Time of Interview: \_\_\_\_\_

Duration: \_\_\_\_\_

Address/Location of Interview: \_\_\_\_\_

Language Requested: \_\_\_\_\_

Notes:

- ☐ If you need an interpreter's assistance to establish a meeting time, please check this box.  
An OCIS staff member will call you to make arrangements. July 2010

APPENDIX D

**O.C.I.S. SERVICE REQUEST CANCELLATION**

PRINT OR TYPE CLEARLY

<b>Date of Service</b>	<b>Language</b>	<b>COURT</b>
<b>Case Name</b>		<b>Docket #</b>
Cancelled by: _____		
Telephone: _____		
Email: _____		
Comments: _____ _____ _____		
<b>OCIS FAX LINE: 617-367-9293</b>		
<b>Reminder: This is a Cancellation Notice. A rescheduled matter becomes a <b>New Service Request</b>. Please fill out a new request form.</b>		
<b>DO NOT WRITE IN THIS SPACE</b>		
Received at OCIS on: (Please Stamp)		

OCIS/2000